PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION see form PCT/ISA/220 See paragraph 2 below Priority date (day/month/year) International filing date (day/month/year) International application No. 10.06.2003 PCT/EP2004/005995 03.06.2004 International Patent Classification (IPC) or both national classification and IPC C25B3/04 **Applicant DEGUSSA AG** This opinion contains indications relating to the following items: 1. Box No. Ⅰ Basis of the opinion ☐ Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. III Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement ☐ Box No. VI Certain documents cited ☐ Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application **FURTHER ACTION** 2. If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. **Authorized Officer**

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10/559766

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/005995

		APS Recidiffication of 8 decidios	
	Box I	No. I Basis of the opinion	
1.	With the la	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.	
	This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).		
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application a necessary to the claimed invention, this opinion has been established on the basis of:		
	a. typ	a. type of material:	
		a sequence listing	
		table(s) related to the sequence listing	
	b. format of material:		
		in written format	
		in computer readable form	
	c. tim	c. time of filing/furnishing:	
		contained in the international application as filed.	
		filed together with the international application in computer readable form.	
		furnished subsequently to this Authority for the purposes of search.	
3.	h C	n addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as ppropriate, were furnished.	
4	Δdditi	Additional comments:	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/005995

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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Novelty (N)

Yes: Claims

1-11

No: Claims

Inventive step (IS)

Yes: Claims

1-11

No: Claims

Industrial applicability (IA)

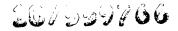
Yes: Claims

1-11

No: Claims

2. Citations and explanations

see separate sheet



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/EP2004/005995

Re Item V.

IAPS Rec'd PCT/PTO 08 DEC 2005

1 The following documents are referred to in this communication:

D1: US 4 582 577 A (WAGENKNECHT ET AL) 15 April 1986 (1986-04-15)

D2: FR 2 542 764 A (POUDRES EXPLOSIFS STE NALE) 21 September 1984

(1984-09-21)

D3: US 6 267 866 B1 (GLESENER JOHN W ET AL) 31 July 2001 (2001-07-31).

Documents D1 and D2 are directed towards the electrochemical carboxylation of an olefinic compound by a reduction reaction involving carbon dioxide in a divided cell. The cathode electroactive material may be graphite. The feature distinguishing the process of claims 1-11 of the present application is the material of the cathode.

Thus, the subject-matter of claims 1-11 is new, Article 33(2) PCT.

The problem to be solved by the present invention may be regarded as providing a further process for the preparation of alpha-substituted carboxylic acid. The use of diamond as a cathodic electroactive material is known from D3. D3, however, refers to the use of diamond as a cathode material in general terms. There is no hint to the use in a carboxylation reaction.

Thus, claims 1-11 are considered as involving an inventive step (Article 33(3) PCT).